IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : CRIMINAL NO. 15-346-02

**HERBERT VEDERMAN**:

JOINT MOTION TO VACATE THE TRIAL DATE AND SET A SENTENCING DATE

Trial is currently set in this case to begin on September 5, 2019. Dkt. Nos. 714, 715. On

August 13, 2019, the United States of America and Defendant Herbert Vederman (collectively

"the parties") reached an agreement that obviates the need for trial. The parties therefore jointly

move the Court to vacate the trial date and schedule sentencing in this case.

On July 29, 2015, a grand jury returned an indictment charging Vederman with RICO

conspiracy (Count One), conspiracy to commit bribery (Count Sixteen), bribery (Count Eighteen),

bank fraud (Count Nineteen), false statements to a financial institution (Count Twenty),

falsification of records (Count Twenty-One), money laundering (Count Twenty-Two), and money

laundering conspiracy (Count Twenty-Three). Following a five-week trial, a jury convicted

Vederman on all counts. This Court, however, entered judgment of acquittal as to Vederman's

convictions on RICO conspiracy, bank fraud, making false statements to a financial institution,

and falsification of records. Dkt. No. 538. On the remaining counts of conspiracy to commit

bribery, bribery, money laundering, and money laundering conspiracy, Vederman was sentenced

to concurrent terms of 24 months.

1

Both the government and Vederman appealed. The Third Circuit reversed the judgment of

acquittal on Counts 19 and 20, reinstated the convictions, and remanded for resentencing. See

United States v. Fattah, 914 F.3d 112, 189 (3d Cir. 2019). The appellate court also vacated

Vederman's convictions for conspiracy to commit bribery, bribery, money laundering, and money

laundering conspiracy, remanding for a new trial on those counts. *Id.* 

Following remand, this Court scheduled resentencing and retrial for Vederman. Dkt. Nos.

682, 712, 714, 715. On Vederman's unopposed motion, the Court then deferred resentencing

pending the resolution of all outstanding counts. Dkt. No. 702.

The parties have now reached a resolution as to all outstanding counts that will obviate the

need for trial. Specifically, the parties have agreed to jointly recommend a term of imprisonment

of 12 months and one day on the counts of conviction, Counts Nineteen and Twenty, and as part

of that agreement, the government will move at sentencing to dismiss with prejudice all other

counts pending against Vederman. A copy of that agreement, which the parties will file and sign

for sentencing, is attached as Exhibit 1.

For the foregoing reasons, the parties respectfully request that this Court vacate the trial

date and set this matter for sentencing.

Respectfully submitted,

For Defendant Herbert Vederman

For the United States of America

s/ David L. Axelrod\_

David L. Axelrod

R. Stephen Stigall

Terrence Grugan

Jennifer A. Williams
First Assistant United States Attorney
Eastern District of Pennsylvania

2

Ballard Spahr LLP 1735 Market Street, 51<sup>st</sup> Floor Philadelphia, PA 19103 AnnaLou Tirol Acting Chief Public Integrity Section

s/ James I. Pearce
James I. Pearce
Trial Attorney, Public Integrity Section
Criminal Division, U.S. Department of Justice
1400 New York Avenue NW
Washington, D.C. 20005

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing motion was served by electronic service on defense counsel for Defendant Herbert Vederman on August 14, 2019.

s/ James I. Pearce James I. Pearce Trial Attorney